

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES  
November 16, 2004**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, November 16, 2004.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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**CALL TO ORDER**

Mayor Vargas called the meeting to order at 4:04 p.m.

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The roll was called and the following were present: Mayor Vargas and Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Mayor Pro Tem Wilson and Council Member Robertson were absent.

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**CLOSED SESSION**

1. Conference with Legal Counsel – existing litigation. The City Council will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):
  - (a) City of Rialto v. United States Department of Defense, et. al.  
(United States District Court Case No. EDVC 04-00079)
  - (b) Jesus Cortez, et. al. v. City of Rialto  
(San Bernardino Superior Court Case No. SCVSS101568)
  - (c) Haji Dunn v. City of Rialto  
(San Bernardino Superior Court Case No. SCVSS118401)

## CLOSED SESSION

2. Conference with Legal Counsel – anticipated litigation. The City Council will meet with its legal counsel to discuss initiating litigation pursuant to Section 54956.9 subdivision (c) of the Government Code with respect to one potential case.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to go into Closed Session. City Council went into Closed Session at 4:05 p.m. and returned at 4:30 p.m.

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## CALL TO ORDER

Mayor Vargas called the meeting to order at 6:03 p.m.

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The roll was called and the following were present: Mayor Vargas, Council Members Hanson and Sampson. Also present were City Administrator Garcia, City Attorney Owen and City Clerk McGee. Mayor Pro Tem Wilson and Council Member Robertson were absent.

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## **Pledge of Allegiance and Invocation**

Council Member Joe Sampson led the pledge of allegiance. Pastor Jack Montoya – Calvary Chapel of Rialto gave the Invocation.

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## **CITY ATTORNEY'S REPORT ON CLOSED SESSION**

City Attorney Owen stated that in Closed Session the City Council conferred with its attorney regarding each of the three items of pending litigation shown on the Closed Session portion of the agenda. Only in one case, Haji Dunn v. City of Rialto, the City Council authorized the defense of that action by the firm Beam, Brobeck and West. The City Council took no other action on the other cases. The City Council on initiating litigation did authorize the filing of an unlawful detainer act under number 2 of the Closed Session portion of the agenda.

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## PRESENTATIONS AND PROCLAMATIONS

Police Chief Michael Meyers presented a shadowbox to commemorate the life of Police Officer Joseph Castillo who passed away earlier this year due to tragic illness, to his son Andre Castillo and his brother Ruben Castillo.

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## PRESENTATIONS AND PROCLAMATIONS

Bruce Cash, President of United Strategies Inc., consultant to the Target Corporation, invited the City Council and the Community to the Groundbreaking Ceremony on Thursday, November 18, 2004 10:00 a.m. for the first of several buildings of a 1.6 million sq. ft. Distribution Center in north Rialto to be held on the project site near Casa Grande Avenue just west of Alder Avenue.

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Larry Thornburg, Recreation & Community Services Director presented Certificates of Participation to the students who participated in the First Rialto Middle School Talent Show.

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Fire Battalion Chief Frank Bekker presented Certificates of Completion to members of the community who completed the Community Emergency Response Team (CERT) Training Course.

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Mayor Vargas presented a Certificate of Recognition to Miss Lindsay Davis, 12 years old, who place 2<sup>nd</sup> out of 85 in the South West Pacific Ice Skating Regionals.

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Mayor Vargas stated that she will be taking a Certificate Recognition to Rudy Garcia-Tolson, 2004 Paralympic Gold Medal Winner, who was not able to be here this evening.

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Fire Chief Wells presented the Safe Haven Program, where participating Hospitals and Fire Departments accept newborn infants 72 hours old or less as an alternative for mothers to surrender the child for safe keeping.

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Midge Zupanic of the Kiwanis Club of East Rialto presented to the Rialto Police Explorers-Post 200 and Rialto Fire Explorers-Post 299, \$1000 for each group, monies that were raised from their Annual Golf Tournament.

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Kathy Simbalo, Director of Children Services for San Bernardino County presented the newly implemented Family to Family Program. They have selected Rialto as the first Family to Family Community. This program brings various agencies together to improve outcomes for "at-risk" children and their families. Last year approximately 567 children were removed from their homes in Rialto for reasons of abuse or neglect and 339 were placed outside the City of Rialto.

PRESENTATIONS AND  
PROCLAMATIONS

CONSENT CALENDAR

Ms. Simbalo stated that they hope to establish a Dept. Of Children Services Office in Rialto by earlier next year.

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**A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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**B. APPROVAL OF WARRANT RESOLUTIONS**

1. Resolution No. 17 (10/22/04)
2. Resolution No. 18 (10/29/04)

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**C. APPROVAL OF MINUTES**

1. Regular RDA/City Council and Rialto Utility Authority Meeting – September 7, 2004

**D. SETTING OF PUBLIC HEARINGS**

1. Request City Council to set a Public Hearing for the **December 21, 2004** City Council Meeting to consider Zone Change 312- to change zoning designation of a 0.42 acre parcel and a 0.95 acre parcel from Single Family Residential (R-1A) to Multi-Family Residential (R-3) and adopt a Negative Declaration (E.A.R. 04-05).
2. Request City Council to set a Public hearing for the **December 7, 2004** City Council Meeting to determine the existence of a public nuisance and approve placement of a lien for recovery of costs associated with the abatement of the properties known as:

- |   |                                  |
|---|----------------------------------|
| A. 1860 N. Willow                             | B. 1547 S. Fillmore              |
| C. 428 W. Ramona                              | D. 428 W. Ramona                 |
| E. 856 W. La Gloria                           | F. <del>304 N. Pepper</del> PAID |
| G. <del>2026 N. Riverside Ave., #B</del> PAID |                                  |
| H. 709 S. Lilac                               | I. 709 S. Lilac                  |
| J. 204 W. Foothill                            | K. 924 E. Foothill               |
| L. 660 N. Yucca                               | M. 320 E. Huff                   |
| N. <del>919 &amp; 943 W. Foothill</del> PAID  |                                  |

## CONSENT CALENDAR

### E. MISCELLANEOUS

1. Request Redevelopment Agency to authorize the payment of annual dues for the Inland Empire Economic Partnership.
2. Request Redevelopment Agency to approve the Scope of Negotiations/Schedule of Performance and replace Exhibit B in the Amendment No. 1 to the Exclusive Negotiation Agreement with Lewis Investments dated August 3, 2004.
3. Request City Council to adopt **Resolution No. 5175** authorizing the destruction of certain Municipal Records of the Human Resources Department.
4. Request City Council to approve the Purchase Order Change notice of \$16,700 allowing an increase on the level of service provided to the City by Azteca Landscaping.
5. Request City Council to adopt **Resolution No. 5176** authorizing submission of a Grant Application to the California Environmental Protection Agency, Integrated Waste Management Board, for Resurfacing the Walking /Jogging track at Andreson Park.
6. Request City Council to approve the purchase of one new vehicle from Fritts Ford in the amount of \$16,604.71 for the Business License Division.
7. Request City Council to approve the Proclamation of Local Emergency on October 19-20, 2004 by the City Administrator.
8. Request City Council to authorize City staff and the Rialto Downtown Business Improvement District Association (BIDA) to conduct the All Star Christmas Parade and Vendor Faire with temporary road closures, temporary "No Parking" zones, traffic diversion and street closures.
9. Request City Council to make findings of continuing the Emergency for the Acquisition of Wellhead Treatment.
10. Request City Council to make findings of continuing emergency authorized at the September 7, 2004 meeting for the Raw Sewage Clean-up & Facilities Rehabilitation at Fire Station No. 203.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by a 3-0 vote to approve the Consent Calendar.

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## PUBLIC HEARING

### TAB 1 – Sale of property to TELACU for senior housing project

Robb Steel, Economic Development Director stated that this has been before the City Council previously. One year ago the City and the East Los Angeles Community Union (TELACU) received notice from the Department of Housing & Urban Development that it received an award under the Section 202 Program that provides loans and grants to non-profit corporations to build housing that's restricted for occupancy by very low income senior citizens. In the year that followed they have been working with the project applicant TELACU to design property that suits the needs of the senior citizen community of Rialto. They also negotiated the acquisition of an adjoining property to try to create a larger site and hopefully build in some additional amenities. The Developer of this project is TELACU and they several Section 202 projects throughout Southern California and they have a total of 3100 units in their portfolio with 1900 being Section 202. The project will be 70 units, 69 for senior citizens and one for the Manager. The one-bedroom unit will be approximately 540 sq. ft. of living area, the two bedroom unit which houses the Manager will be approximately 680 sq. ft. The density is roughly 30 units to the acre and there is just over one half space per unit for parking. Most seniors are without vehicles, so while this may seem like a low parking standard compared to conventional apartments, this suits this purpose. The total site is 2.3 acres and also included in the project will be community space of approximately 22,000 sq. ft., a multi-purpose room, outdoor patio, a library, television, and a multimedia room. One of the things required as a condition of this project was that balconies be added to each of the units. The affordable housing agreement obligates the Rialto Housing Authority to enter into an agreement to acquire the adjoining property, which they have already done, process a zone change and General Plan Amendment to make the zoning consistent with the adjoining property and allow this development to be permitted. The Housing Authority will also loan funds to complete offsite improvements, which HUD does not fund, so curb, gutters, sidewalks, utility undergrounding is a Housing Authority obligation. The estimated cost is approximately \$385,000. They will also loan TELACU the cost of the balcony and patio upgrades and a fee to compensate them for the increased maintenance costs. This was an item that HUD would not permit to be funded by the HUD grant. Typically HUD funds the basic elements and cities, in most cases, negotiate with the Developer to add items such as the balconies. The total amount that the Agency is obligating itself under the loan components is approximately \$562,920. The Developer's obligations under the agreement are to process the project like any other developer would to obtain all the land use entitlements for the project.

Robb Steel, Economic Development Director stated that the Developers need to submit construction drawings to the Building Division and get Plan Check approval and then ultimately pull permits and construct the project. They are also obligated to obtain the final funding commitments from HUD and provide evidence of such to the Agency. They try to mitigate risk by having all of the items completed before all the parties commit their funds and property to the deal. The Developer will have to sign the promissory note borrowing the \$562,920 and there is an obligation to re-pay from residual receipts if the project generates excess cash flow above the operating cost of the project, plus any debt service that might exist. Also, 50% of those residual receipts may be repayable to the Housing Authority. The primary condition of this project is that they restrict the occupancy of the units to senior citizens and in this case ages 62+ and very low income households as defined by HUD, typically meaning less than 50% of the median income. The rent are established at 30% of the income and there is presumable discretionary income left for that household to buy groceries, medical care and the other things that are essential to their quality of life. The rents could range from \$300-\$400. The HUD subsidies last for 40 years and the agreement requires the units to be restricted to low and moderate income occupancy for 55 years. The reason for this is that they are using low and moderate income housing set aside funds of the Agency and State law requires them to covenant the property for a term of 55 years. The agreement essential obligates them to meet and confer in the 40<sup>th</sup> year and determine if the project is financial feasible if the HUD subsidies run out and if not they will make good faith effort to find additional subsidies from another source or they will change the occupancy restriction so that the project can be financial feasible at that time. The total project cost consists of two components, a loan of \$562,920 and a grant of \$495,500. Most of the grant is made up of the acquisition of the adjoining land for \$460,000 and contribution to TELACU. The Agency has budgeted the \$1.4 million in the current budget years so supplemental appropriations is required. They did have a legally required report included in the Agenda item, prepared by Keyser-Marston Associates which addresses several areas of law. It has to establish that the subsidies are warranted based on the restricted rental rates and the limitations on the occupancy.

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Mayor Vargas declared the public hearing open.

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## ORAL COMMUNICATIONS

Reverend Genaro Alvarez, 851 W. Granada St., expressed his concern of building a senior citizen apartment complex.

## ORAL COMMUNICATIONS

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Fanny Logan, Rialto citizen stated that the senior citizen apartment complex is great but the handicapped need a safe environment as well. Will there be room in that particular complex for handicap citizens.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to close the public hearing.

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Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to adopt the following Resolutions:

### RDA RESOLUTION NO. 465

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF RIALTO APPROVING THE SALE OF REAL PROPERTY LOCATED AT 160 WEST MERRILL AVENUE BY THE RIALTO HOUSING AUTHORITY TO THE EAST LOS ANGELES COMMUNITY UNION (TELACU) AS PART OF A PROPOSED 70 UNIT SENIOR HOUSING PROJECT.

### RESOLUTION NO. 5177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO APPROVING THE SALE OF REAL PROPERTY LOCATED AT 160 WEST MERRILL AVENUE BY THE RIALTO HOUSING AUTHORITY TO THE EAST LOS ANGELES COMMUNITY UNION (TELACU) AS PART OF A PROPOSED 70 UNIT SENIOR HOUSING PROJECT.

### RHA RESOLUTION NO. 0009-04

A RESOLUTION OF THE RIALTO HOUSING AUTHORITY APPROVING THE AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE RIALTO HOUSING AUTHORITY AND THE EAST LOS ANGELS COMMUNITY UNION (TELACU).

### RDA RESOLUTION NO. 466

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF RIALTO DISCHARGE DEBT OBLIGATION BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF RIALTO AND THE RIALTO HOUSING AUTHORITY RELATED TO PROPERTY PURCHASED AT 160 W. MERRILL AVENUE FOR A PROPOSED 70 UNIT SENIOR HOUSING PROJECT.

### RHA RESOLUTION NO. 0010-04

A RESOLUTION OF THE RIALTO HOUSING AUTHORITY ACCEPTING THE DISCHARGE OF A DEBT OBLIGATION BY AND BETWEEN THE RIALTO HOUSING AUTHORITY AND THE REDEVELOPMENT AGENCY OF THE CITY OF RIALTO RELATED TO PROPERTY PURCHASED AT 160 W. MERRILL AVENUE FOR A PROPOSED 70 UNIT SENIOR HOUSING PROJECT.

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## **PUBLIC HEARING**

### **TAB 2 – Placement of liens for delinquent refuse accounts**

City Administrator Garcia stated that this is a public hearing and a request to approve the placement of liens for delinquent refuse accounts. An updated list has been provided to City Council.

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Mayor Vargas declared the public hearing open. No one came forward.

Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to close the public hearing.

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Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to approve the placement of liens for delinquent refuse accounts.

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## **NEW BUSINESS**

### **TAB 3 – RDA Resolution No. 467, to purchase tax-defaulted properties**

Robb Steel, Economic Development Director stated that periodically the County of San Bernardino submits to them a list of tax-defaulted properties and asks if the City would like to acquire any property. Several properties were identified that might be appropriate for Redevelopment activities, three parcels potentially for housing purposes and two for economical development purposes. There is a process called Chapter 7 of the Revenue and Taxation Code where they have the option to acquire these properties for the amount of the defaulted taxes. The total cost, if they were to acquire all the properties listed would be \$49,150. The Agency has tried to identify their intended purpose would be for each acquisition. If the resolution is adopted this evening, it would be submitted to the County and there is a standard process which would take time to obtain the title the properties. They give extended periods of time to the owners to reclaim their property. This essentially takes it off the auction block and gives the City the first right of refusal to acquire the property. It takes about three months for the County to review the documentation submitted and another six months for them to complete the Chapter 8 Sale. Once the State Controller's Office authorizes the Chapter 8 Sale, the Tax Collector Office has to prepare certain certifications and mail notices to the property owners to give them one last chance to redeem their properties, which takes another 3-4 months.

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Council Member Sampson stated that they are giving the OK to obtain the property even though the property owner still has the ability to redeem it, meaning the acquisition may not go through.

## **NEW BUSINESS**

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### **TAB 3 – RDA Resolution No. 467, to purchase tax-defaulted properties**

Robb Steel, Economic Development Director stated that a lot of the properties will be reclaimed by the property owners and it just doesn't make sense for them to default for these nominal amounts involved, but they have to set this process in motion and assert their rights.

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Motion by Agency Member Sampson, second by Agency Member Hanson and carried by unanimous vote to adopt RDA Resolution No. 467 approving an agreement to purchase tax-defaulted properties under Chapter 7 of the revenue and taxation code in the amount of \$55,000.

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### **TAB 4 – PSA with Public Sector Personnel Consultants for Comprehensive classification and Compensation study**

Eileen Dienzo, Human Resources Analyst stated that as part of this year's labor negotiations, the City addressed issues with all the bargaining units regarding of the revision of the City's classification and compensation schedule. In 1998 a Citywide classification and compensation study was completed by Ralph Anderson and Associates. This industry wide standard to conduct these studies periodically to keep organizations up to date. Therefore, the City will be conducting another comprehensive classification and compensation to obtain an better gage of the current market compensation for Rialto positions. The study will also assist in developing and implementing a strategy that will bring City's compensation schedule to become more competitive and to also target needed changes in the classification plan. From the last study conducted in 1998, they analyzed the process to improve their approach and methodology for this upcoming study. Based on their findings they decided to approach it differently by seeking input from all the bargaining units. Back in June 2004 a classification and compensation steering committee was formed which consists of a representative from each bargaining unit to provide input. The committee met over several months and developed a criteria list to use as a guideline when selecting a potential consultant. A Selection Subcommittee was created consisting of three members of the Steering Committee to conduct the interviews of possible consultants to complete the study. To generate a more rounded perspective to this process, a City Council subcommittee was also developed. The Selection Committee interviewed the top six companies and ranked the consultants based on four criteria: the firm's capabilities to do the job, project staffing, management of the study and project cost and timeline.

## NEW BUSINESS

### **TAB 4 – PSA with Public Sector Personnel Consultants for Comprehensive classification and Compensation study**

Eileen Dienzo, Human Resources Analyst stated that the unanimous choice was Public Sector Personnel Consultants, in business since 1982, with an office located in Los Angeles, The Public Sector Personnel Consultants projected completing the study within five months, studying 120 benchmark positions. The project is tentatively set to begin next month in December. The Human Resources Department will be monitoring the Consultants progress and will be providing periodic milestone updates to administration and to the bargaining units through the Steering Committee.

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Council Member Sampson asked when they do the benchmark positions; will it be the individual employee providing input?

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Eileen Dienzo, Human Resources Analyst stated that this was correct.

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Council Member Sampson asked what type of criteria did they establish to select the different benchmark positions?

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Mr. Henri van Adelsberg stated that they would like to start with surveying all 120 positions, but not every position will have enough of them to make a valuable statistical benchmark, which they will probable end up with 100 different occupations they can obtain good market data on in the competitive areas. They will try to get one or more in a different occupational group so that each group in the City is represented in the market survey.

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Mayor Vargas stated that the estimated cost of \$63,500 seems like a lot of money to her.

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Mr. Henri van Adelsberg stated that it is calculated hour by effort, for instance, there are 120 interviews which is time consuming and there is the salary survey, writing 120 new job descriptions. This is not based on the size of the City but based on the services they want delivered.

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Council Member Sampson stated that last year when they went through negotiations, one of the things that served as a sticking point was that the employees felt there should be a classification and compensation study so they are up to date.

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## **NEW BUSINESS**

### **TAB 4 – PSA with Public Sector Personnel Consultants for Comprehensive classification and Compensation study**

Council Member Hanson stated that this is a good step forward and for the employees to be included in the selection of criteria for the selection of the firm.

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Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to approve the Professional Services Agreement with Public Sector Personnel Consultant to conduct comprehensive classification and compensation study in the amount of \$63,500.

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### **TAB 5 – Public Comment on the Draft Five-Year CDBG Consolidated Plan Analysis**

Larry Thornburg, Recreation & Community Services Director stated that every year they receive Federal Grant money, the Community Development Block Grant through the Department of Housing and Urban Development. As a requirement of receiving that money every year, through HUD they are required to do a Five-Year Consolidated Plan. As part of the Consolidated Plan that LDM is doing for the City, they have to deal with Fair Housing issues through a document called Analysis of Impediments. This document is being put together by the firm of Cotton Bridges Associates. As part of the process, the draft document has been put together by Cotton Bridges Associates and has been available for public review. They are asking that they hear some more public input tonight. They did meet with the Human Relations Commission on November 8<sup>th</sup>, and they have incorporated their input in the draft document. They are asking the City Council to allow for any additional public input so it can be included in the final Analysis of Impediments and to set a public hearing for the December 21, 2004 City Council Meeting to approve the document.

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Mr. Mark Hoffman of Cotton Bridges Associates stated that tonight's report is on the fair housing report. This is a report that is required of all cities in California that do receive CDBG funds. Fair Housing involves the fair treatment of people regardless of status in the rental, sale and occupancy of housing, As well as insuring equal access to jobs, city services and housing, regardless of race, ethnicity, familial status, disability or any other protected status. As part of this study they reviewed City codes, practices, lending practices or banks, transit access, fair housing complaints and access to housing to identify impediments to fair housing.

## NEW BUSINESS

### TAB 5 – Public Comment on the Draft Five-Year CDBG Consolidated Plan Analysis

Mr. Mark Hoffman of Cotton Bridges Associates stated that impediments are those issues that restrict housing choices directly or indirectly. To date they have drafted a series of tentative findings. As State law has changed over the years they reviewed City practices and zoning codes to make sure they are being changed. With all the State law changes they will be recommending a series of programs to change the zoning codes to deal with issues such as second units, housing for people with disabilities and people who are homeless. These changes will be to keep the City codes in compliance with State and Federal levels. They looked at all the transit routes of the City in relation to affordable housing, parks, jobs, and medical facilities. They did identify a few areas that they feel are under served. One of the recommendations will be to lobby Omnitrans to consider improving transit service through the City, particularly a north/south route along Cedar Avenue and Foothill Blvd. to improve access to jobs, housing and services. The final recommendation will be to continue working with the City's fair housing provider by expanding fair housing education and home buying workshops to the City at large and also to specific ethnic groups in the City. They did meet with the Human Relations Commission and they provided recommendations in three particular areas: transit, housing conditions and rehabilitation and economic development.

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Council Member Hanson asked if the rapid growth and the escalation of prices in the housing market have been considered in this report.

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Mr. Hoffman stated that when they put together this report they particularly looked at housing issues related to the protected classes under State and Federal Law. They do not deal directly with escalating housing prices and how that impacts people. There is another study that deals with that directly, the Housing Element. In 2006, the City will be required to update the Housing Element and as part of that the City will be enacting policies that will provide for housing all income levels. So, the focus for that report would be how they deal with affordability crisis. With the Analysis of Impediments, affordability is a key issue; the focus is fair housing access and discrimination.

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Council Member Sampson stated that knowing that State Law does not permit spot zoning, he hopes there isn't a possibility they find themselves caught in a "catch 22" because of a recommendation being made tonight.

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## **NEW BUSINESS**

### **TAB 5 – Public Comment on the Draft Five-Year CDBG Consolidated Plan Analysis**

Mr. Mark Hoffman of Cotton Bridges Associates stated that the recommendations that they will be dealing with zoning amendments, they are simply areas of State Law where Law State preempts a City from enacting certain laws. For example, dwelling units, AB 1866 was recently passed, now replaces many of the local ordinances cities all over California have done with accessory dwelling units. It sets forth a standard type of criteria that cities have to adopt, which are broad sweeping.

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Council Member Sampson sated that he believes there are some aspect of this they have already addressed and have the requirements and specification for the second dwelling unit on the property adhere to the proper standards have been established.

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Mr. Mark Hoffman of Cotton Bridges Associates stated that the issue they would have is the Conditional Development Permit process. State Law now requires that accessory dwelling units be permitted ministerially as in administrative process for all communities in California, unless the City Council adopts findings that either preclude the citing of secondary dwelling units. So its applying for all cities in California and their purposes is for them to say where is portion of the Municipal Code that probably needs to be amended to comply with the recent change in State Law.

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Jess Torres, Assistant Director of Inland Fair Housing and Mediation Board, stated that one of the things they see as an impediment is the lack of fair housing knowledge by both landlords and tenants. They have an ongoing outreach program, education for landlords and tenants in trying to make that fair housing law are adhered to. If the landlord and the tenant both know their rights and their responsibility, they will have a much better community. In 2005 they will celebrate their 25<sup>th</sup> year and they still get calls where people say, *"how long you have been here"* and *"I didn't know you were here."* The rising cost of housing was mentioned although not an impediment to fair housing directly but it is seen as a crisis, not only in Rialto, but Southern California. The other impediment they see is the lack of affordable housing for the disabled. If complexes were built prior to 1991, then they are not required to provide units for disabled people.

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## **NEW BUSINESS**

### **TAB 5 – Public Comment on the Draft Five-Year CDBG Consolidated Plan Analysis**

Council Member Sampson stated that when the City of Rialto established Mobile Home Review in Mobile Home Parks, the Inland Mediation and Fair Housing was the organization that provided training for their Commission.

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Council Member Hanson asked if they had taken advantage of the KRTD Ch.3 for advertising.

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Mr. Torres stated that yes, every month they submit a posting. They will also be redoing their brochure to make it a little more eye catching in trying to get the word out.

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Mayor Vargas asked if she could meet with Mr. Torres so she could be more informed of what the organization provides.

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Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to allow public comment on the Draft Five-Year CDBG Consolidated Plan Analysis of Impediments and request to set a Public Hearing for the December 21, 2004 City Council Meeting to further consider and approve the Analysis of Impediments.

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### **TAB 6 – Proposed Ordinance No. 1364 – pertaining to Shopping Carts**

City Attorney Owen stated that this for consideration of waiving the first reading and passing to second reading of a proposed Ordinance which would amend Chapter 9.98 of Title 9 of the Municipal Code relating to Shopping Carts. The City currently has a Chapter governing shopping carts in its Municipal Code, however it was adopted a long time ago and since it was adopted, the State has adopted various requirements for certain shopping carts. Shopping Carts that have notification on them that meet the requirements of State Law, which include the name, the number and where to return them. Those shopping carts are preempted and governed by State Law and they have certain time period where they have to wait before they can confiscate those carts even if they find them on public property. Other shopping cart will not have those notifications and are not governed by State Law and the City of Rialto as a municipality is free to legislate regarding those. After the City Clerk conducted a number of meetings with community leaders and other city staff and agents, arrived at what she thought what needed to be done. In essence they are trying to do as much as they possibly can given the constraints of State Law to get abandoned and dismantled shopping carts off streets and private property.

## **NEW BUSINESS**

### **TAB 6 – Proposed Ordinance No. 1364 – pertaining to Shopping Carts**

City Attorney Owen stated that what the Ordinance does is treat two different types, two different categories. The officers will be required to figure out which one its in and the procedures are there for them to follow. It will retain a misdemeanor, an unlawful actions to remove a shopping cart from a shopping cart center, to cause to alter them, to try to scratch out the information that is on them and to possess them anywhere outside of their permitted areas. To leave and abandon a shopping cart or to alter or convert them. He stated that his office received a call from the California Grocers Association today, and they had reviewed the Ordinance, they liked it and they support it.

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Mayor Vargas read the title of the proposed Ordinance:

#### **ORDINANCE NO. 1364**

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, TO AMEND CHAPTER 9.98 OF TITLE 9 OF THE RIALTO MUNICIPAL CODE PERTAINING TO SHOPPING CARTS**

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Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to waive the first reading and pass to second reading of proposed **Ordinance No. 1364** to amend Chapter 9.98 of the Rialto Municipal Code pertaining to shopping carts. The vote was: AYES: Mayor Vargas, Council Members: Hanson and Sampson. NOES: none. ABSTAIN: none. ABSENT: Mayor Pro Tem Wilson and Council Member Robertson.

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### **TAB 7 – Proposed Ordinance No. 1365 – establishing a Day Laborer Center**

Mike Story, Development Services Director stated that the proposed Ordinance would be establishing the Municipal Code Section that will give them the authority to prohibit the solicitation of employment within any commercial parking area other than at the proposed Day Laborer Center during its hours of operation. Developing this Code Chapter will not have any environmental impact and they recommend that the City Council approve the MOU presented in the Staff Report and authorize the City Administrator to execute and also that the City Council waive the first reading and pass to second reading of proposed Ordinance to amend Chapter 11.16 of the Municipal Code.

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Dan Grinder, Sunrise Life Development, stated that it would probably be right after the first of the year for them to start operations. They have been running one in Rancho Cucamonga for 6 months.



## **NEW BUSINESS**

### **TAB 7 – Proposed Ordinance No. 1365 – establishing a Day Laborer Center**

Dan Grinder, Sunrise Life Development, stated that the Rancho Cucamonga Police stated that the Day Laborer Center solved 95% of the problems and the 5% of calls they do get is from the Day Laborer Center because of the rules they have established, such as anyone arriving at the center intoxicated or under the influence of anything. He stated that they set out portable shades and chairs for the day laborers. The prospective employer drives up and they find out what they are looking to hire. They employer and the day laborer agree to the pay and it's the employers responsibility to do the hiring. All this is done in an orderly manner. In the 6 months that they have been in Rancho Cucamonga, they have had over 400 different workers come through the site. They are given picture ID badges so they have a way of keeping track of who comes to the day Laborer Center. In case here is a problem with an accusation of something illegal then they can provide the Police Department with information and a photo of the person. The primary purpose to provide a place for them for employers to come and for them to find a job. A lot of them sit there up to five hours during the day, so to try and keep them active they provide English as Second Language Classes and other educational classes while they are waiting for a job.

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Mayor Vargas stated that it was mentioned that this agreement is for 12 months. What happens after the 12 months is up.

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Mr. Grinder stated that they hope to find a site offsite of the Home Depot parking lot to be able to put the center close enough and be able to operate. One of the things they discovered when they researched for the one in Rancho Cucamonga was that if they try to establish the Center any distance from where they already are, it's almost impossible to get the people who hire them to pick them from someplace else farther away. It would be easier to get under control and in operation and then announce they will be moving to a new location.

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Mayor Vargas asked how will they keep the people from hanging out at the Home Depot parking lot. She has received many calls from residents, some saying they will not shop there as long as there are people hanging out there.

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City Attorney Owen stated that this is the purpose of having an enforceable Ordinance where the Police Department will be out enforcing it.

## **NEW BUSINESS**

### **TAB 7 – Proposed Ordinance No. 1365 – establishing a Day Laborer Center**

City Attorney Owen stated they will have a safe haven in the Center where they can lawfully solicit employment and no data will be taken on their citizenship but if they go somewhere else to do it the Police will have the tool they need, if this Ordinance is passed, to then cite and prosecute them.

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Mayor Vargas stated that she is having a problem with this because she knows how desperate people get when they are desperate for a job.

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City Attorney Owen stated that he is sure they will first get warning and direction on where to go.

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Mr. Grinder stated that it was a learning process in Rancho Cucamonga where the officers directed them on where to go to seek employment. A lot of the workers that are there simply want a job, a job to make money. They have in an uncontrolled environment like now, just people wanting to hang out and get drunk and not necessarily look for a job. The first thing that the Center does is that the people who want jobs do not want that reputation and those intoxicated people will leave. Within the first 30 days most of the bad people left, because they found out they could not just hang out with their buddies all day. They had over 400 people come through the Center and they average 60-70 a day that show up at the Center. They also limit the hours so it doesn't become social club, if they are not registered to look for a job they are only allowed a 10 minute visit.

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Council Member Sampson stated that he has not heard anyone mention a restroom facility.

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Mr. Grinder stated that they have a chemical unit (portable toilet) that is fenced in with the trailer on site which is cleaned three times a week.

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Mayor Vargas read the title of the Ordinance:

**ORDINANCE NO. 1365**

**AN ORDINANCE OF THE CITY OF RIALTO, STATE OF CALIFORNIA, AMENDING CHAPTER 11.16 OF TITLE 11 OF THE RIALTO MUNICIPAL CODE BY PROVIDING FOR THE ESTABLISHMENT OF A DAY LABORER CENTER AND PROHIBITING THE SOLICITATION OF EMPLOYMENT WITHIN ANY COMMERCIAL PARKING AREA OTHER THAN AT THE DAY LABORER CENTER DURING ITS HOURS OF OPERATION.**

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**NEW BUSINESS**

**TAB 7 – Proposed Ordinance No. 1365 – establishing a Day Laborer Center**

Motion by Council Member Sampson, second by Council Member Hanson and carried by unanimous vote to approve the Memorandum of Understanding concerning a Day Laborer Center project on Foothill Blvd. and waive the first reading and pass to second reading of proposed **Ordinance No. 1365** amending chapter 11.16 of the Rialto Municipal Code to prohibit loitering in commercial parking lots and adopting **Resolution No. 5178** approving a Day Laborer Center and appropriating \$30,000. The vote was: AYES: Mayor Vargas, Council Members: Hanson and Sampson. NOES: none. ABSTAIN: none. ABSENT: Mayor Pro Tem Wilson and Council Member Robertson

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**TAB 8 – Urgency Ordinance establishing a moratorium on Development Applications along SR-210 Freeway Corridor**

City Administrator Garcia stated that this item needs to be removed and considered at a later time because an Urgency Ordinance requires a 4/5<sup>th</sup> vote and there are only three Council Members tonight. For background this item is suggesting a moratorium on big box development along the freeway corridor and this simply for them to analyze and evaluate the potential conflict between the existing land use and the City Council's desire to see a reuse. These two items need to be reviewed and have an opportunity to come back before them on the first meeting in December.

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**Chief Financial Officer's Report**

June Overholt, Chief Financial Officer presented the financial report for month ending September 2004 which represents 25% of the year complete.

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**REPORTS**

Council Member Hanson stated that she was on vacation last week and she enjoyed it very much.

Council Member Hanson stated that the Rialto Community Players began its presentation of its second play of the season "Caught in the Net" by Ray Cooney.

## REPORTS

Council Member Hanson stated that Carter High School's Theater Department will be presenting an evening of monologues, music and short plays on November 18-19 at 6:00 p.m. at the outdoor amphitheater.

Council Member Hanson stated that she is pleased that they are beginning to see a little more of the Arts incorporated with the efforts between the City and the schools, which is important to the full education of children.

Council Member Hanson wished a full and speedy recovery to Police Officer Shawn O'Connell.

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Council Member Sampson extended his congratulations to all the candidates who ran in the November 2<sup>nd</sup> Election, especially those who were successful. In their quest to achieve victory. He certainly hopes that the real winners turn up being the Municipal Government of the City and the members of the community.

Council Member Sampson stated that on November 10<sup>th</sup> he participated in the Chamber of Commerce new member induction which was held at the new Best China Buffet Restaurant.

Council Member Sampson stated that he attended on November 13<sup>th</sup>, where Linda Chapman was the Coordinator, Rialto Safe Awareness Day held at Frisbie Middle School.

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Mayor Vargas stated that she also attended the Rialto safe Awareness Day, where there was an excellent presentation of Self Protection.

Mayor Vargas stated that she attended the Business Industry Association Awards Dinner.

Mayor Vargas stated that she participated in the Rialto Fire Department Award Presentation, where they honored Randy Ammons and Larry Gonzales for 30 years of service and Larry Ambrose for 32 years of service.

Mayor Vargas stated that Metrolink, for Thanksgiving Day and the next day, will be slashing its fares by 25%. Up to three children can ride free for each paid adult. Riders will also receive free transfers to local buses, shuttle and rail lines.

Mayor Vargas stated that Santa's Toy Express will be arriving in Rialto on December 4<sup>th</sup> 7:15 p.m. at the Rialto Metrolink Station.

Mayor Vargas thanked everyone who voted for Measure I, which is a ½ cent sales tax for transportation improvements in the County of San Bernardino.

## REPORTS

Mayor Vargas stated that she received a letter from a concerned citizen regarding vendor selling items on street corners, such as flowers, fruit or ice cream. The City does not issue permits or licenses for people to sell items on street corners because the City does not allow this. There is an Ordinance which regulates this, if anyone happens to see someone selling on a street corner to please let the City know.

Mayor Vargas stated that she tries to respond to every letter she receives but a lot of times people do not leave a name or phone number for her to contact that person.

Mayor Vargas stated that she would like to close the meeting in memory of Mr. Quineto who passed away from a heart attack earlier this week.

Mayor Vargas wished everyone a Happy Thanksgiving.

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## City Administrator Report

City Administrator Garcia expressed his appreciation and thanks to the camera crew. He welcomed new Production Specialist Brian Walek.

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## ADJOURNMENT

Motion by Council Member Hanson, second by Council Member Sampson and carried by unanimous vote to adjourn the meeting.

The City Council adjourned at 8:15 p.m.

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MAYOR GRACE VARGAS

ATTEST:

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CITY CLERK BARBARA A. McGEE, CMC